

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By Senator Tom Hager, on February 6, 1989,
at 1:00 in Room 410 of the State Capitol.

ROLL CALL

Members Present: Senators Tom Hager, Tom Rasmussen, J. D.
Lynch Matt Himsl, Bill Norman, Doc McLane, and Bob
Pipinich.

Members Excused: None

Members Absent: None

Staff Present: Tom Gomez, Legislative Council and Elaine
Graveley, Secretary

Announcements/Discussion: None

HEARING ON SENATE BILL NO. 270

Presentation and Opening Statement by Sponsor:

Senator Bob Williams, the chief sponsor of SB 270, gave a
brief summary of the bill. SB 270 is an act
establishing standards for training and accreditation
for asbestos workers; allowing the Department of Health
and Environmental Sciences to require permits for
asbestos; allowing the Department to establish criteria
for asbestos projects; providing for criminal and civil
penalties; and providing effective dates.

List of Testifying Proponents and What Group they Represent:

Will Garvin, representing Garvin Engineering
Gene Fenderson, Montana State Building Traders
Keith Colbo, Safe Building Alliance
Adrian Howe, Montana DHES
Larry Hoyt, Montana DHES
Steve Browning,
Bruce Mercer
Jim Jensen, MEIC
Tom Hopgood, Montana Assoc. Realtors
Beverly Gibson, Montana Association of Counties

List of Testifying Opponents and What Group They Represent:

Don Chance, Montana Building Association

Testimony:

Larry Lloyd, administrator from the Department of Health and Environmental Sciences stood in support of the bill. He stated the effects of human exposure to asbestos fibers have been known for some time. Breathing asbestos fibers is known to cause diseases such as asbestosis (a debilitating fibrotic lung disease), mesothelioma, and lung cancer. Documentation of asbestos-related diseases has been well established among asbestos workers. Mr. Lloyd handed out written testimony to the committee. (See exhibit #2)

Jim Jensen, representing the Montana Environmental Association, stood in support of the bill. Mr. Jensen stated that there is a real need for this program. Asbestos is very dangerous. There is a definite need to have people certified.

Gene Fenderson, representing the Montana State Building and Trade Council, stated that he strongly supports this bill. He stated that the people and workers need to be protected. He expressed concern regarding the rulemaking authority being given to the Department, however, he will work with them regarding this matter.

Will Garvin of Garvin Construction and Engineering stated that there is a definite need for a law of this nature so let's do it. Training is the main part of the entire bill. The training will be available in Montana which is EPA approved.

James Tutwiler, representing the Montana Chamber of Commerce, reiterated the necessity for SB 270. He stated that the Chamber has become aware of the dangers of asbestos. The Chamber is willing to support any bill which help the health of all Montanans.

Senator Bob Pipinich of Senate District 33 stood in support of the bill. He stated that he has been an employee for Stone Container Corporation in Missoula. The entire mill is full of asbestos. He stated that he is 100% in favor of this bill.

Steve Browning of Helena stated that if Montana does not pass this legislation it runs the risk of not being able to qualify for EPA grants. In the event of the workers not being certified, the law of supply and demand will raise the cost of inspections. Public law requires that each state must adopt a contractor accreditation plan at least as stringent as the model plan developed by the Administration within 180 days after the commencement of the first regular session of the legislature of such state which is convened following the date on which the administrator completes development of the Model Plan. The "administration" is the administrator of the EPA.

Mr. Browning also stated that the Montana School Boards Association which to be recorded as being in favor of the bill.

Keith Colbo representing the Safe Building Alliance stood in support of the bill.

Tom Hopgood representing of the Association of Realtors stood in support of the bill.

Beverly Gibson representing the Association of Counties stood and stated their support of the bill. She stated further that it would be good to have the rulemaking authority at the Department of Health.

OPPONENTS:

Don Chance of the Montana Building Association which is 800 members strong stated their opposition to the bill. This bill will cause major problems for the construction industry, and it would give the Department a blank check. There is no assurance that the approach will be reasonable, and no details are available regarding the program. SB 270 will impact a major portion of the remodeling and plumbing projects in this state. Almost all remodeling projects would come under this bill. EPA requirements will be a bureaucratic nightmare. Liability insurance will become untouchable. Mr. Chance stated that there should be some training but not all of the EPA standards. The department says that there will be five or six inspections per project, however, there are only two building inspectors in the state and the department does not have any idea of the inspection requirements. Training is very important. Instead of the mandate in this bill there should be a two year study under the EQC.

Questions From Committee Members:

Senator Lynch asked Mr. Lloyd how this bill will differ from the EPA standards. Mr. Lloyd stated that the EPA and OSHA are addressing the situation at the present time.

Senator Lynch asked Mr. Lloyd if there are really only two building inspectors in Montana. Mr. Lloyd replied that he was unaware how many inspectors there are in Montana as they are licensed through the Department of Commerce. However, he stated that he was sure that additional staff would be hired.

Senator Rasmussen asked whether or not the industry had any input into the bill. He was told that the industry did in fact, have alot of input into the bill.

Senator Norman asked Mr. Lloyd what the training costs. Mr. Lloyd replied that the cost of tuition is approximately \$500 per student for just the classes. If this bill were to pass that costs would be approximately \$450 and \$500.

Senator Norman asked about the EPA grants. Grant money is only for the schools.

Senator Hims1 asked how long the training programs will continue. The training programs will continue as long as there is asbestos. The program will be self-supporting because of the RIT money. Mr. Lloyd stated that the state will not be doing the training, only the certifying.

Closing by Sponsor:

Senator Williams closed by saying that there is a problem and it is time to do something about it. The Bynum school recently received a \$20,000 grant to remove asbestos. The schools of Montana must implement a plan by May 9, 1989 to remove the asbestos. The EPA is working to eliminate asbestos from all public buildings. Education and training are very necessary. The number on inspections will be based upon the people doing the work. He asked the committee to look favorably upon the bill.

Presentation and Opening Statement by Sponsor:

Senator Bob Williams of Senate District 15, the chief sponsor of Senate Bill 259, gave a brief summary of the bill. Senate Bill 259 is an act to exempt a proposal establishing a licensing program pursuant to federal law from the requirement that the Legislative Audit Committee review the proposal and issue a report assessing its merits, which report must be attached to a bill containing the proposal before the bill may be reported out of a committee during a legislative session; requiring a report by certain agencies; and providing a immediate effective date and a retroactive applicability date. Senator Williams stated that the bill does need to be amended on Page 2, line 18; strike: "require to administer" and insert: "

List of Testifying Proponents and What Group they Represent:

LeDean Lewis - AARP
David Ness - Department of Health
Adrian Howe - Department of Health
Larry Lloyd - Department of Health
Steve Browning -
Larry Mitchell - Department of Health

List of Testifying Opponents and What Group They Represent:

None

Testimony:

David Ness, representing the Department of Health, stood in support of the bill. He stated that a study will be done regarding this by the Department of Health. He stated that the EPA will run the underground storage tank installation in the state, if not the EPA will.

Adrian Howe, representing the Department of Health, stood in support of the bill. She stated that the Department of Health requested two bills which are subject to the provisions of the "Sunrise Law". Sb 270 is intended to prevent or reduce airborne asbestos as a cause of lung cancer and other diseases by prohibiting persons from inspecting for presence of asbestos, designing management plans, installing or removing asbestos without a permit and certification issued by the Department. See Exhibit #3.

Questions From Committee Members:

Senator Norman asked if the Department of Health license anyone at this time. Mr. Lloyd replied that the Department of Health does license people in the health fields. However, this would not create a board.

Closing by Sponsor:

Senator Williams closed by saying that if the legislature can control some of the programs for underground tanks, it is important to do so. He urged the committee's support of the bill.

HEARING ON SENATE BILL NO. 299

Presentation and Opening Statement by Sponsor:

Senator Hager announced that because of the lateness of the hour and that the Senate is about to go into session, the hearing on SB 299 will be held following adjournment, however, anyone that cannot remain until that time was given an opportunity to leave their testimony at this time. The sponsor will testify at the meeting upon adjournment. Senate Bill No. 299 is an act to generally revise the laws relating to regulation of hearing aid dispensers; expanding the authority of the Board of Hearing Aid Dispensers to regulate dispensers; clarifying the requirements relating to the issuance of receipts, examinations for licensure; providing additional causes for discipline of licensees and trainees; providing for a buyer's right to cancel; providing minimum hearing aid testing requirements; and providing an immediate effective date.

List of Testifying Proponents and What Group they Represent:

LaDean Lewis - American Association of Retired People
David Evans - Montana Hearing Aid Society
Lyle Nagel - self
Jerome Loendorf - Montana Medical Association
Ben Havdahl - self
Mona Jamison - Montana Speech and Hearing Association

List of Testifying Opponents and What Group They Represent:

Don Van De Riet - Hearing Aid Institute
Doug Rehder - Montana Board of Hearing Aid
Jim Durkin - Montana Hearing Aid Society

Testimony:

Lyle Nagel, representing himself, stood in support of the bill. He stated he feels that sections 11 and 12 are needed in this act. Having had to go through an agonizing process to get a retest performed because of unsatisfactory service from a new hearing aid leads him to believe that Section 12 might alleviate at least part of that problem. Section 11 would allow a user to seek the services of another dispenser if unsatisfied with performance of hearing aid. The right to cancel should be a part of the sales contract. See Exhibit #4.

LeDean Lewis, representing the American Association of Retired Persons, stood in support of the bill. She stated that hearing impairment is a debilitating condition for millions of people. About half of the hearing impaired are over 65 years of age. Hearing impairment is the third most prevalent chronic condition among the elderly. She handed in written testimony for the committee to review. See Exhibit # 5.

Doug Rehder, a member of the Hearing Aid Dispensers, stood in support of the bill. He stated that it is hoped that the proposed changes in this new bill will significantly increase consumer protection and eventually lead to a decrease in the number of consumer complaints. The proposed bill is consistent with the laws that have been adopted in other states. See Exhibit No. 6.

Mona Jamison, attorney at law, stated that the hearing aid licensure board hears the second largest number of complaints from consumers of all licensure boards in Montana. It is believed that the initial step in assuring that hearing impaired persons obtain the highest quality of hearing health care is a strong licensure board. There are many other standards, such as education qualifications we feel should be addressed. MSHA supports this licensure bill because it protects the consumer. She handed in written testimony for the committee. See attachments.

Ben Havdahl, representing himself stood in support of the bill. He stated that there should be minimum requirements for testing as there are many different levels of hearing loss.

Christian Grover, an audiologists, stood in support of the

bill. He stated that he fully supports all of the provisions of the bill. Montana has been lax regarding hearing aid dispensers.

Jerome Loendorf, representing the Montana Medical Association, stood in support of the bill.

OPPONENTS:

Jim Durkin, representing the Montana Hearing Aid Society, stood in opposition to the bill.

David Evans, representing the Montana Hearing Aid Society, stood in opposition to the bill. He stated that the bill is not specific enough, that it is too open. Someone needs to be in charge.

ADJOURNMENT

Adjournment At: 2:50 p.m.



SENATOR TOM HAGER, Chairman

TH/eg

senmin.206

FORTUNE

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 2-6-89

BILL NO. SB 270

June 6, 1988

WHY THROW MONEY AT ASBESTOS?

■ *by Louis S. Richman*

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

TESTIMONY
on
SENATE BILL NO. 270

Presented by Larry L. Lloyd

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING STANDARDS FOR TRAINING AND ACCREDITATION FOR ASBESTOS WORKERS; ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO REQUIRE PERMITS FOR ASBESTOS PROJECTS AND CHARGE FEES OF PERSONS WORKING WITH ASBESTOS; PROVIDING FOR CRIMINAL AND CIVIL PENALTIES; AND PROVIDING EFFECTIVE DATES."

The deleterious effects of human exposure to asbestos fibers have been known for some time. Epidemiologists have actively investigated cases of human exposure to asbestos for more than fifty years. Breathing asbestos fibers is known to cause diseases such as asbestosis (a debilitating fibrotic lung disease), mesothelioma (a fibrosis of the endothelial tissues lining the chest cavity), and lung cancer.

Documentation of asbestos-related diseases has been well established among asbestos workers. World War II shipyard workers and insulators were notoriously stricken by these diseases. Even children in the families of asbestos workers are known to have contracted asbestos-related diseases from the contamination brought home on the clothing of the workers which subsequently deposited within the living areas.

During the past few years, the dangers of breathing asbestos fibers have become better understood. The Federal Occupational Safety and Health Administration (OSHA) has reduced the allowable asbestos fiber exposure of workers by a factor of ten during the 1980s. The U.S. Environmental Protection Agency (EPA) has adopted essentially the same worker protection standards for asbestos for workers not covered by OSHA.

The U.S. Congress has taken a special interest in the exposure of our children and the teachers and support staff to

asbestos in our elementary and secondary schools, both public and private. On January 21, 1986, the Federal Asbestos Hazard Emergency Response Act (AHERA - Public Law 99-519) was enacted. AHERA requires that each elementary and secondary school be inspected for asbestos and submit asbestos management plans to each State Governor's designee (In Montana - DHES) by October 12, 1988. An amendment to AHERA has allowed qualifying schools to extend this deadline to May 12, 1989.

Public Law 99-519 and rules adopted under PL 99-519 require that all asbestos inspections of the schools be made by accredited inspectors, that school asbestos management plans be prepared by accredited consultants, that asbestos abatement projects be designed by accredited consultants, and that asbestos abatement work be performed by accredited contractors and workers. The necessary accreditation is obtained by attending training courses approved by either the EPA or by a State having an asbestos accreditation program at least as stringent as that of EPA. Public Law 99-519 also requires that each state adopt an asbestos accreditation program at least as stringent as EPA's no later than 180 days after the beginning date of the states' first legislative session following EPA's adoption of rules under PL 99-519. For Montana, this requirement means during the 1989 Legislative Session.

While present Federal requirements for the accreditation of asbestos related workers presently only extend to our elementary and secondary schools, it is only prudent that for the protection of public health the asbestos control program be extended to asbestos projects in all structures. The Department of Health and Environmental Sciences has investigated numerous incidents where asbestos has been removed from homes and other structures by untrained contractors and workers. A high percentage of these removals have resulted in unacceptable worker exposures to asbestos as well as asbestos contamination of the structure from which the asbestos was removed.

Senate Bill No 270, if enacted, will:

1. Establish standards for the training and accreditation of asbestos contractors, consultants, and workers.
2. Allow the Department of Health and Environmental Sciences to require permits for asbestos projects.
3. Allow DHES to charge fees for the evaluation and approval of asbestos training courses, accreditation, and the issuance of permits for asbestos projects.
4. Provide for inspection of asbestos projects.
5. Provide for civil and criminal penalties.
6. Establish effective dates.

It is the intent of DHES that the asbestos control program resulting from the passage of this bill would be self-supporting. The program itself would be supported by monies from the Resource Indemnity Trust (RIT) Fund. All fees and penalties collected by the program would be deposited back into the RIT Fund. Fees would be kept as reasonable as possible and would be reconsidered and adjusted annually, if necessary, to reflect the actual cost of program operation.

On behalf of the DHES, I ask that the Committee favorably consider this bill. Thank you.

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 2-6-89
BILL NO. SB 259

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

TESTIMONY

on

SENATE BILL NO. 259

Presented by Adrian C. Howe

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT A BILL ESTABLISHING LICENSURE OR CERTIFICATION REQUIREMENTS FOR UNDERGROUND STORAGE TANK INSTALLERS OR THOSE WORKING WITH ASBESTOS FROM THE REQUIREMENT THAT THE LEGISLATIVE AUDIT COMMITTEE REVIEW THE BILL AND ISSUE A REPORT ASSESSING ITS MERITS BEFORE A LEGISLATIVE SESSION; AMENDING SECTION 5-4-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The purpose of SB 259 is to exempt HB 537 (Licensed Underground Tank Installers) and SB 270 (Asbestos Workers Certification) from the provisions of Section 5-4-207, MCA.

Title 2, Chapter 8, Part 2, MCA, and Section 5-4-207, MCA, is commonly referred to as a "Sunrise Law" and is entitled "Committee Assessment of Boards", requires the study of legislation proposing new state licensing functions. Section 2-8-203, MCA, requires the Legislative Audit Committee to "review and assess the merits of" any proposed legislation either creating a new professional and occupational licensing board or requiring an existing licensing board to license a different occupation or profession. A licensing board is defined to include any office of the executive branch of state government responsible for licensing members of any occupation or profession. A separate

section of law, Section 5-4-207, MCA, requires that a written report of the Legislative Audit Committee be attached to the proposed legislation when it is reported out of any legislative committee.

The Department of Health and Environmental Sciences has requested two bills which are subject to the provisions of the "Sunrise Law". HB 537 is intended to prevent or reduce improper installation and closure of underground storage tanks by prohibiting the installation or closure of an underground storage tank unless the tank is installed or closed by a person licensed by the Department to do the installation or closure. The Department of Health and Environmental Sciences is seeking regulatory primacy for underground storage tanks of which licensure of installers is an integral part and subject to review by the U.S. Environmental Protection Agency prior to granting regulatory primacy. SB 270 is intended to prevent or reduce airborne asbestos as a cause of lung cancer and other diseases by prohibiting persons from inspecting for presence of asbestos, designing management plans, installing or removing asbestos without a permit and certification issued by the Department.

Public Law 99-519 "Asbestos Hazard Emergency Response Act of 1986" (AHERA) requires that "Each state shall adopt a contractor accreditation plan at least as stringent as the model plan developed by the Administration...within 180 days after the commencement of the first regular session of the legislature of such state which is convened following the date on which the administrator completes development of the Model Plan." The "Administration" is the administrator of the EPA. The "Model Plan" was published by EPA on October 30, 1987. Although AHERA addresses only primary and secondary public and private school buildings, the poor performance shown by asbestos consultants and asbestos removal contractors in Montana demonstrates the need to extend asbestos accreditation and the issuance of permits to all structures in order to

properly protect public health. In both cases concerning HB 537 and SB 270, the Department was not aware that the definitions of "license" and "licensing board" contained in Section 2-8-202, MCA, which may subject these bills to the provisions of the "Sunrise Law", until after the July 1, 1988 deadline for submittal to the Legislative Audit Committee.

At this time, no review of HB 537 or SB 270 has been conducted by the Legislative Audit Committee. Therefore, Section 5-4-207, MCA, may prevent a legislative committee from reporting out HB 537 and SB 270, unless the "Sunrise Law" is amended to allow such. Therefore, SB 259 fulfills the urgent need to amend Section 5-4-207, MCA, to allow HB 537 and SB 270 to be reported out of committee without the Legislative Audit Committee's written report, as is now required by the law. On behalf of the Department of Health and Environmental Sciences, I urge the committee's favorable consideration of SB 259.

(This sheet to be used by those testifying

SENATE HEALTH & WELFARE

EXHIBIT NO. 4

DATE 2/6/09

BILL NO. SB 299

NAME: Lyle Nagel

ADDRESS: P.O. Box 93 Simms Mt. 59477

PHONE: (406) 264 5151

REPRESENTING WHOM? Self, as a hearing aid user.

APPEARING ON WHICH PROPOSAL: SB 299

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: I feel that new sections ~~11 and 12~~ 11 and 12 are needed in this act.

Having had to go through an agonizing process to get a retest performed because of unsatisfactory service from a new hearing aid leads me to believe that section 12 might alleviate at least part of that problem.

Section 11 would allow a user to seek the services of another dispenser if unsatisfied with the performance of a hearing aid. The right to cancel should be a part of the sales contract.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



SENATE HEALTH & WELFARE

EXHIBIT NO. 5

DATE 2-6-89

BILL NO. SB299

1988-1989
MONTANA STATE LEGISLATIVE COMMITTEE

CHAIRMAN
Mrs. Molly L. Munro
4022 6th Avenue South
Great Falls, MT 59405
(406) 727-5604

SECRETARY
Mr. John C. Bower
1405 West Story Street
Bozeman, MT 59715
(406) 587-7535

February 6, 1989

TO: Senate Public Health, Welfare and Safety Committee
FROM: Le Dean Lewis, American Association of Retired Persons
RE: Senate Bill No. 299
Hearing Aid Consumer Protection Act

The American Association of Retired Persons supports the Hearing Aid Consumer Protection Act.

Hearing impairment is a debilitating condition for millions of people. Indeed, about half of the hearing impaired are over age 65. Hearing impairment is the third most prevalent chronic condition among the elderly.

Medicare's failure to pay for hearing services and devices is another out-of-pocket expenditure for the senior on a fixed income. Many of these people fail to receive the benefits of surgical treatment, devices or rehabilitation because of the potential costs. Services that affect their health and safety.

This bill would give protection to the senior citizen, who signs a hearing aid contract for \$1,798 and finds the device does not work. This bill will make a licensed dispenser accountable for providing the consumer with adequate testing, as well as, a warranty on the device purchased.

The American Association of Retired Persons strongly urges your passage of this bill.

PUBLIC HEALTH COMMITTEE

SENATE HEALTH & WELFARE

EXHIBIT NO. 6

DATE 2-6-89

BILL NO. SB 299

RE: Senate Bill #299

FROM: Douglas Rehder, Member on behalf of the Board of Hearing Aid Dispensers

-- The Board of Hearing Aid Dispensers is the second smallest in regard to the number of licensees in the Department of Commerce.

DISPENSERS _ 92 TRAINEES - 16 TOTAL 108 licensees

-- This same Board has the distinction of receiving the second to the largest number of complaints per year.

-- It should be understood that it is a relatively small percentage of the dispensers who are responsible for generating the majority of these complaints.

-- It is hoped that the proposed changes in this new bill will significantly increase consumer protection and eventually lead to a decrease in the number of consumer complaints.

-- This proposed bill is consistent with the laws that have been adopted in other states.

-- This bill is consistent with what was recommended by the Food and Drug Administration years ago for policies and procedures in the selling of hearing aids.

- This bill is consistent with the policies and procedures that are currently being used and have been used for many years by reputable hearing aid dispensers.
- Specifically, this bill will increase the amount and quality of supervision given to trainees. It should be noted that a large percentage of complaints are generated by trainees.
- It will encourage dispensers to recommend that their clients see a physician before purchasing a hearing aid. This will reduce the possibility of someone being sold a hearing aid who should have first received medical care.
- It more clearly delineates those activities or actions that are considered unethical and can result in the revocation or suspension of a license.
- It allows the consumer the right to cancel a sale within 30 days of purchase.
- It allows for the consumer to receive a full refund when canceling the sale within the first 30 days.
- It allows the Board to specify that a minimum of tests be given to the customer prior to ordering a hearing aid.

MONA JAMISON
ATTORNEY AT LAW

POWER BLOCK BUILDING, SUITE 4F
SIXTH & LAST CHANCE GULCH
POST OFFICE BOX 1698
HELENA, MONTANA 59624

(406) 442-5581

The hearing aid licensure board hears the 2nd largest number of complaints from consumers of all licensure boards in Montana. MSHA members have long supported a strengthening of the Hearing Aid licensure bill. It is our belief that the initial step in assuring that hearing impaired persons obtain the highest quality of hearing health care is a strong licensure board. There are many other standards, such as educational qualifications we feel should be addressed, but that is another fight for another time. MSHA supports this licensure bill because it protects the consumer in the following way:

- 1) Regulates the licensee to have a permanent place of business, that is available to the public; this protects the consumer by eliminating groups from coming into the state setting up shop, selling aids, and then just as quickly closing their shops and moving on.
- 2) It provides that a licensed hearing aid dispenser shall be designated as being in charge of the permanent place of business, if there are several licensed dispensers and trainees using the same address. This mandates that the dispenser in charge is responsible, and is responsible for all actions taken by anyone associated with that office;
- 3) Assures the consumer of the availability of maintenance services
- 4) Since there are medical reasons for hearing loss, it is usually recommended that a person be evaluated by an otolaryngologist or a physician prior to purchasing a hearing aid. Presently a waiver can be signed that says the consumer understands the recommendation, but waives his right to the medical evaluation. presently this is on the receipt of the aid, and the concern is that the consumer may not always be aware of what he is signing, if it is on the receipt of the aid. This bill requires that the waiver be a separate receipt so that it is clearer to the consumer what is being recommended.
- 5) Lengthens the amount of time a trainee must be directly supervised by a licensed dispenser, thus hopefully improving his skills;
- 6) Limits the number of trainees each licensed dispenser can supervise at one time. Prevents covering the state with a group of trainees, and assures each trainee will get appropriate supervision.
- 7) More clearly describes unethical conduct to include stonewalling during an investigation
- 8) Provides a mandatory right-to-cancel within 30 days of the date of delivery. This is a practice that most ethical providers presently do, but is not mandated by law; We believe that the 30 day period is necessary so the consumer

can determine if the hearing aid is providing him benefit. It also allows for the consumer a cooling off period, if significant pressure was applied in the selling of the aid.

- 9) Allows the board to set up minimum requirements for hearing aid testing procedures. The potential presently exists that a hearing aid could be purchased without complete knowledge of the type or degree of hearing loss by the consumer.

Please support SB 299.

Mona Jarnison

DATE 2/6/89

COMMITTEE ON Public Health, Welfare and Safety

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
LeSean Lewis	AARP	5B 299	✓	
Kellie L. Lohme	Self	5B 26		✓
Will Larin	GARVIA ENGINEERING	5B 270	NEITHER	
David S. Ness	Dept. of Health	5B259	✓	
Eugene Fendler	Mt St Bly Worker	5B270	✓	
David E. Evans	Mt. Hearing Aid Society	5B 299		✓
Don Van De Riet	HEARING AID INSTITUTE	5B 299		✓
Stanley E. King				✓
Robert E. Sullivan	112 Hillcrest Mississ	SB204	✓	
Michael L. Luby	161 Erickson CT 1195	SB204	EMENDS	
Keith L. Colbo	Safe Building Alliance	SB270	✓	
Adrian Howe	MT. DHES	5B259 5B270	✓	
LARRY LLOYD	DHES	259 270	✓	
Steve Browning	Helone	259 270	✓	
Doug Rehder	Mt. Fed. of Hery Hl. Dis.	299	✓	
Don CHANCE	MT. BUILDING IND. ASSN.	270		✓
Larry Mitchell	MA DHES	259	✓	
Lyle Nagel	Self	299	✓	
Bruce W. Meyer	USAA	270	✓	
Jim Jensen	MEIC	270	✓	
Tom Hopwood	Mont. Assoc. Realtors	270	✓	
Jim Turbin	Mt. Hearing Aid Society	299		✓
Beverly Simon	mt. assoc. to co.'s	270	✓	
Jerome Laender	mt. Fed. Assn.	299	✓	
Ben Hardahl	SELF	299	✓	
Mina Jansson	mt. speech-hem. T speaking club	299	✓	

(Please leave prepared statement with Secretary)